

House File 660 - Reprinted

HOUSE FILE 660

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 402)

(SUCCESSOR TO HSB 75)

(As Amended and Passed by the House April 12, 2011)

A BILL FOR

- 1 An Act relating to certain fees assessed for activities
- 2 regulated under the federal Clean Air Act and including
- 3 effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.133, subsection 8, paragraph a,
2 Code 2011, is amended to read as follows:

3 a. (1) Adopt rules consistent with the federal Clean Air
4 Act Amendments of 1990, Pub. L. No. 101-549, which require
5 the owner or operator of an air contaminant source to obtain
6 an operating permit prior to operation of the source. The
7 rules shall specify the information required to be submitted
8 with the application for a permit and the conditions under
9 which a permit may be granted, modified, suspended, terminated,
10 revoked, reissued, or denied. For sources subject to the
11 provisions of Tit. IV of the federal Clean Air Act Amendments
12 of 1990, permit conditions shall include emission allowances
13 for sulfur dioxide emissions. The commission may impose
14 fees, including fees upon regulated pollutants emitted from
15 an air contaminant source, in an amount sufficient to solely
16 cover, on an annual basis, all reasonable costs, direct and
17 indirect, required to develop and administer the permit program
18 in conformance with the federal Clean Air Act Amendments of
19 1990, Pub. L. No. 101-549, as further defined in subparagraph
20 (2). Affected units regulated under Tit. IV of the federal
21 Clean Air Act Amendments of 1990, Pub. L. No. 101-549, shall
22 pay operating permit fees in the same manner as other sources
23 subject to operating permit requirements, except as provided in
24 section 408 of the federal Act. The fees collected pursuant
25 to this subsection shall be deposited in the air contaminant
26 source fund created pursuant to section 455B.133B, and shall
27 be utilized solely to cover all reasonable costs required to
28 develop and administer the programs required by Tit. V of the
29 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
30 including the permit program pursuant to section 502 of the
31 federal Act and the small business stationary source technical
32 and environmental assistance program pursuant to section 507
33 of the federal Act.

34 (2) Not later than July 1, 2012, fees assessed under this
35 subsection shall be sufficient solely to provide for the costs

1 of developing and administering the operating permit program
2 described in this subsection, which costs are limited to all
3 of the following:

4 (a) Costs of preparing generally applicable regulations or
5 guidance regarding the permit program or its implementation or
6 enforcement.

7 (b) Costs of reviewing and acting on any application
8 for a permit, permit revision, or permit renewal, including
9 the development of an applicable requirement as part of the
10 processing of a permit or permit revision or renewal.

11 (c) General administrative costs of administering the
12 permit program, including the supporting and tracking of
13 operating permit applications, compliance certification, and
14 related data entry.

15 (d) Costs of implementing and enforcing the terms of an
16 operating permit, not including any court costs or other costs
17 associated with an enforcement action, including adequate
18 resources to determine which sources are subject to the
19 program.

20 (e) Costs of emissions and ambient monitoring.

21 (f) Costs of modeling, analyses, or demonstrations.

22 (g) Costs of preparing inventories and tracking emissions.

23 (h) Costs of providing direct and indirect support to
24 sources under the federal Small Business Stationary Source
25 Technical and Environmental Compliance Assistance Program
26 pursuant to section 507 of the federal Clean Air Act.

27 (3) The operating permit program described in this
28 subsection shall not include costs associated with a
29 construction permitting program including general ambient air
30 quality modeling and monitoring under such a program.

31 (4) Fees shall not be assessed for any permitting program
32 under this subsection when the program exceeds in any way the
33 requirements of the federal Clean Air Act Amendments of 1990,
34 Pub. L. No. 101-549.

35 (5) Fees shall not be collected for greenhouse gas

1 emissions.

2 (6) For purposes of this paragraph "a", "permit" means an
3 operating permit under this subsection.

4 Sec. 2. REPORTING. For the fiscal year beginning July
5 1, 2011, the department of natural resources shall submit
6 a report on a quarterly basis to the legislative services
7 agency, the department of management, the members of the
8 joint appropriations subcommittees on agriculture and natural
9 resources, and the chairpersons and ranking members of the
10 senate and house committees on appropriations. The report
11 shall also be posted on the department's website. The report
12 shall include all of the following:

13 1. Detailed itemizations of the expenditure of all moneys
14 appropriated to the department to support the department's
15 administration, regulatory activities, and programs.

16 2. Detailed itemizations of moneys expended during the
17 previous calendar quarter on activities related to section
18 455B.133, subsection 8, paragraph "a".

19 3. Detailed itemizations of time spent during the previous
20 calendar quarter by employees on activities related to chapter
21 455B, division II, part 1.

22 Sec. 3. EFFECTIVE DATE. The section of this Act amending
23 section 455B.133, subsection 8, paragraph "a", takes effect
24 July 1, 2012.